

SERVICE DATE – SEPTEMBER 22, 2017

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 303 (Sub-No. 46X)

WISCONSIN CENTRAL LTD.—ABANDONMENT EXEMPTION—
IN LAKE COUNTY, ILL.

Decided: September 22, 2017

By decision served on June 25, 2015, the Board, under 49 U.S.C. § 10502, exempted from the prior approval requirements of 49 U.S.C. § 10903 the abandonment by Wisconsin Central Ltd. (WCL) of 3.6 miles of rail line extending between milepost 71.0 in North Chicago, Lake County, Ill., and milepost 74.6 in Waukegan, Lake County, Ill. (the Line).¹ Notice of the exemption was served and published in the Federal Register on March 31, 2015 (80 Fed. Reg. 17,141).

On August 16, 2017, WCL filed a motion to withdraw without prejudice its petition for an abandonment exemption. WCL states that the Line has not been abandoned; moreover, it has not filed a notice of consummation as provided under our regulations. WCL also states that Chicago, Central & Pacific Railroad Company; Grand Trunk Western Railroad Company; Illinois Central Railroad Company; and Union Pacific Railroad Company hold trackage rights over the Line that have not been discontinued and are therefore a barrier to consummation. (WCL Mot. 4.) WCL further explains that it does not want to abandon the Line because of existing and potential shipping opportunities. WCL states that International Precision Components Corporation, the only active shipper on the Line, has not been relocated. Furthermore, WCL claims that a large manufacturing plant is anticipated to open in Kenosha, Wis., which could present new rail-truck transload opportunities for WCL.

When a carrier is authorized to abandon a line, that authority is permissive, not mandatory. The carrier can choose to exercise that authority or not. Because carriers are not compelled to abandon lines, the Board normally grants a carrier's motion to withdraw its request for abandonment authority. See Almono LP—Aban. Exemption—in Allegheny Cty., Pa., AB 842X (STB served Jan. 28, 2004). Until WCL exercises its abandonment authority, which it has not (and indeed cannot, until all railroads holding trackage rights obtain and exercise discontinuance authority or an exemption²), the Line is not abandoned and the Board's primary

¹ That decision imposed three environmental conditions. By decision served on February 1, 2016, the three environmental conditions were removed.

² See Mo. Pac. R.R.—Aban.—Osage, Lyon & Morris Ctys., Kan., 9 I.C.C.2d 1228 (1993).

jurisdiction over the Line continues. WCL has indicated its intent to continue to provide common carrier service over the Line. Accordingly, the request to withdraw without prejudice its petition for an abandonment exemption will be granted.

It is ordered:

1. WCL's request to withdraw its petition for exemption without prejudice is granted.
2. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.